

writing for the return of the article and agrees to bear all expenses incurred incident to such return; or

(2) If not returned to the country of origin, be disposed of in accordance with law, pursuant to the provisions of section 609, Tariff Act of 1930, as amended (19 U.S.C. 1609), and § 162.46 of this chapter.

[T.D. 73-119, 38 FR 10807, May 2, 1973, as amended by T.D. 82-145, 47 FR 35477, Aug. 16, 1982]

#### PESTICIDES AND DEVICES

##### § 12.110 Definitions.

Except as otherwise provided below, the terms used in §§ 12.111 through 12.117 shall have the meanings set forth for those terms in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*), hereinafter referred to as “the Act.” The term *Administrator* shall mean the Administrator of the Environmental Protection Agency.

[T.D. 75-194, 40 FR 32321, Aug. 1, 1975]

##### § 12.111 Registration.

All imported pesticides are required to be registered under the provisions of section 3 of the Act, and under the regulations (40 CFR 162.10) promulgated thereunder by the Administrator before being permitted entry into the United States. Devices, although not required to be registered, must not bear any statement, design, or graphic representation that is false or misleading in any particular.

[T.D. 75-194, 40 FR 32321, Aug. 1, 1975]

##### § 12.112 Notice of arrival of pesticides and devices.

(a) *General.* An importer desiring to import pesticides or devices into the United States shall submit to the Administrator a Notice of Arrival of Pesticides and Devices (Index of Pesticide Products located in the Environmental Protection Agency’s handbook entitled *Recognition and Management of Pesticide Poisonings*, found at <http://www.epa.gov>), hereinafter referred to as a Notice of Arrival, prior to the arrival of the shipment in the United States. The Administrator shall complete the Notice of Arrival, indicating

the disposition to be made of the shipment of pesticides or devices upon its arrival in the United States, and shall return the completed Notice of Arrival to the importer or his agent.

(b) *Chemicals imported for use other than as pesticides.* Chemicals which can be used as pesticides but which are not imported for such use and are not shown on the Index of Pesticide Products located in the Environmental Protection Agency’s handbook entitled *Recognition and Management of Pesticide Poisonings*, found at <http://www.epa.gov>, may be entered without the submission of the Notice of Arrival.

[T.D. 75-194, 40 FR 32321, Aug. 1, 1975, as amended at CBP Dec. 10-29, 75 FR 52451, Aug. 26, 2010]

##### § 12.113 Arrival of shipment.

(a) *Notice of arrival presented.* Upon the arrival of a shipment of pesticides or devices, the importer or his agent shall present to the director of the port of entry the Notice of Arrival completed by the Administrator and indicating the Customs action to be taken with respect to the shipment. The port director shall compare entry documents for the shipment of pesticides or devices with the Notice of Arrival and notify the Administrator of any discrepancies.

(b) *Notice of arrival not presented.* When a shipment of pesticides or devices arrives in the United States without the presentation by the importer or his agent of the Notice of Arrival completed by the Administrator, the shipment shall be detained by the director of the importer’s risk and expense until the completed Notice of Arrival is presented or until other disposition is ordered by the Administrator, but not to exceed a period of 30 days, or such extended period, not in excess of 30 additional days, as the port director for good cause may specially authorize. An application of the importer or his agent requesting an extension of the initial 30-day period shall be filed with the director of the port of entry.

(c) *Disposition of pesticides or devices remaining under detention.* A shipment that remains detained or undisposed of due to failure of presentment of a completed Notice of Arrival or nonreceipt